

REMARKS

As per the Examiner's request, cross-reference information concerning PCT International Application No. PCT/FR00/00697 has been added to the specification.

Claim 1 has been amended in order to delete the word "general" and to insert the inadvertently omitted substituent "nitro".

Claims 5 and 6 have been amended in order to delete the phrase "or prevention". Claims 5 and 6 have also been amended in order to limit the disorders linked to nicotinic receptor dysfunction to "Alzheimer's disease or schizophrenia". Applicants, of course, reserve the right to file a continuing application on the canceled subject matter.

Claims 1-3 were in the application as originally filed. Claim 2 was canceled and claims 4-6 were added in the Preliminary Amendment filed on September 20, 2001. Claims 1 and 3-6 remain in the application.

Claims 3, 5 and 6 are rejected under 35 U.S.C. §112, first paragraph for the stated reason that they contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. In support of this rejection the Examiner has stated that:

The scope of composition and method of use claims are not adequately enabled solely based on nicotinic receptor dysfunction provided in the specification. Claims 5 and 6 are the method of use of the compounds of the instant invention for use in the treatment or prevention of any and all diseases and/or disorders associated with nicotinic receptor dysfunction, which is not remotely enabled. The scope of claims 5 and 6 include diseases and/or disorders not even known at this time, which may be associated with nicotinic receptor dysfunction. While the treatment of schizophrenia and Alzheimer's disease may be linked with nicotinic receptor dysfunction, the art does not recognize use of such inhibitors as broad based drugs for treating all disorders instantly embraced. Additionally, instant claim language embraces disorders not only for treatment but also for prevention, which is not remotely enabled.

This rejection is believed to be overcome and should be withdrawn in view of the above-described amendments to the claims.

Claims 1 and 3-6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants' regard as the invention. In support of this rejection the Examiner has stated that:

- a) Claims 1 and 3-6 are vague and indefinite in that it is not known what is meant by general formula (I). A formula is not general when all of the variables are defined. Deletion of "general" is suggested.
- b) Claim 4 recites the limitation "nitro" in the definition of R3. There is insufficient antecedent basis for this limitation in the claim.
- c) Claims 5 and 6 are vague and indefinite in that the claim provides for the use of claimed compounds, but the claim does not set forth any steps involved in determining which are the diseases capable of being mediated by nicotinic receptor dysfunction.

This rejection is traversed and reconsideration and withdrawal thereof are requested for the reasons given hereinbelow.

Turning first to the rejection of the word "general" in the phrase "general formula (I)" in claim 1, this rejection has been overcome and should be withdrawn in view of the deletion of the word "general" from claim 1. Concerning the rejection of claims 3-6 on the same basis, applicants would point out that the word "general" in fact does not even appear in claims 3-6 and, accordingly, no basis is seen for the Examiner's rejection of these claims and it should, therefore, be withdrawn.

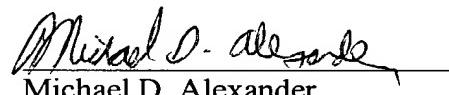
In view of the above-described amendment to claim 1 wherein the inadvertently omitted substituent "nitro" has now been added to this claim, the rejection to the substituent "nitro" in claim 4 as having insufficient antecedent basis in claim 1 has been overcome and should, therefore, be withdrawn.

Finally, the rejection of claims 5 and 6 is believed to be overcome and should be withdrawn in view of the above-described amendments to claims 5 and 6 wherein the phrase "or prevention" has been deleted and the disorders linked to nicotinic receptor dysfunction have been limited to Alzheimer's disease or schizophrenia.

In view of the foregoing amendments and remarks reconsideration and withdrawal of the rejection of claims 3, 5 and 6 under 35 U.S.C. §112, first paragraph and the rejection of claims 1, and 3-6 under 35 U.S.C. §112, second paragraph, is requested and allowance of claims 1 and 3-6 is respectfully requested.

Respectfully submitted,

Dated: June 10, 2003


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